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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 JOSHUA KIMBALL, Defendant.

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21 CASE NO. 1:23-CR-00221-NODJ-BAM
22 STIPULATION TO SET TRIAL AND BRIEFING
23 SCHEDULE; ORDER

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was scheduled for status conference on April 24, 2024.
32 2. By this stipulation, the parties move to set:
33 a) Trial confirmation hearing on October 14, 2024
34 b) Trial on November 5, 2024.
35 3. The parties move for the following motions schedule:
36 a) Motions filing – September 9, 2024
37 b) Oppositions filing – September 23, 2024
38 c) Replies filing – September 30, 2024
39 d) Hearing (if needed) – October 14, 2024

4. The parties estimate trial to take approximately one week, including jury selection.

5. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Defense counsel requires additional time to review discovery and prepare for trial.

c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the

case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 24, 2024 to November 5, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 18, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

1 Dated: April 18, 2024

/s/ DAVID TORRES
DAVID TORRES
Counsel for Defendant
JOSHUA KIMBALL

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5 **ORDER**
6 IT IS SO ORDERED that the status conference set for April 24, 2024, is vacated. The Court sets
7 the following motion schedule: Motions to be filed September 9, 2024, oppositions due September 23,
8 2024, and replies due September 30, 2024. Motions Hearing set **October 15, 2025, at 8:30 a.m. in**
9 **Courtroom 5 before the District Court Judge**. A jury trial is set for **November 5, 2024, at 8:30 a.m.**
10 **in Courtroom 5 before the District Court Judge**. Estimate time of trial is **1 week**. A trial confirmation
11 is set for **October 15, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is
12 excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).
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14 IT IS SO ORDERED.

15 Dated: April 22, 2024

/s/ Barbara A. McAuliffe

16 UNITED STATES MAGISTRATE JUDGE